

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	
	§	
The Secret Garden, LLC,	§	Case No. 17-11370-HCM
	§	
Debtor	§	Chapter 7

**Motion for Authority to Sell Assets of the
Bankruptcy Estate at a Public Auction Free and Clear of Liens**

TO THE DEBTOR, ITS CREDITORS AND ALL OTHER PARTIES IN INTEREST:

COMES NOW John Patrick Lowe, the interim Trustee in this case, and makes and files this Motion, and in support of it respectfully represents to the Court as follows:

1.

Movant is the interim Trustee in this Chapter 7 proceeding. This case was commenced on November 2, 2017 as a Chapter 7 proceeding. This Motion is filed by right of 11 United States Code Sections 363 and 704, Federal Rule of Bankruptcy Procedure 6004 and Local Rule 6004(b).

2.

The assets of the bankruptcy estate include clothing, jewelry, accessories, shelving, clothing racks and display cases.

3.

The Trustee moves for leave to sell these assets at a public auction on December 9, 2017 at 10:00 a.m. at the place of business of the proposed auctioneer for the estate, Mel T. Davis, 14895 Donop Road, Elmendorf, Texas. The Trustee moves that the sale be free and clear of any and all liens, claims, security interests and encumbrances, with all of such matters, if any, to attach to the sales proceeds.

The sale should also be “as is”, “where is”, with all faults and without any other warranties and without recourse against the Trustee or the bankruptcy estate. The Trustee is aware of no liens against these assets other than ad valorem tax liens.

4.

The Trustee also moves that the proposed auctioneer for the estate, Mel T. Davis, retain from the gross sales proceeds his fifteen percent (15%) commission and reimbursement for moving charges and advertising expenses and that the auctioneer be directed to remit the net sales proceeds to the Trustee. Mr. Davis will also charge a ten percent (10%) buyer’s premium in part to defray the expenses incurred in processing purchases made by check or by credit card.

5.

The Trustee doesn’t believe that the liquidation of these assets will create a federal income tax liability for the bankruptcy estate.

6.

The Trustee also requests authority to execute, acknowledge and deliver any instrument or record necessary to consummate or memorialize the sale of these assets.

7.

The Trustee moves that the stay of Federal Rule of Bankruptcy Procedure 6004(h) be terminated.

WHEREFORE, premises considered, Movant prays that he be authorized to sell the aforesaid assets, and for such other and further relief as is just.

Dated: November 27, 2017.

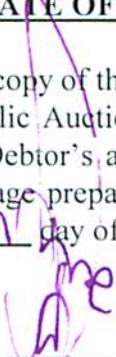
Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Motion for Authority to Sell Assets of the Bankruptcy Estate at a Public Auction Free and Clear of Liens, and the proposed Order, have been served on the Debtor, the Debtor's attorney, and the attached Service List, by the CM/ECF system; or by First Class mail, postage prepaid; or by electronic mail within 2 days of the electronic filing of this Motion on this the 27th day of November 2017.



Patrick Lowe